

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DERRICK ADAMSON,

Plaintiff,

v.

Civil Action No. 2:19-cv-00575

WEXFORD HEALTH SOURCES, INC.,
SANDRA MAY, PAM GIVENS,
DR. CHARLES LYÉ, and
DONALD AMES,

Defendants.

ORDER

Pending are plaintiff's motion for a temporary restraining order and preliminary injunction, ECF No. 27, defendant Donald Ames' motion to dismiss the amended complaint ECF No. 31, defendants Pam Givens, Sandra May and Wexford Health Sources, Inc.'s motion to dismiss, ECF No. 33, and Defendant Dr. Charles Lye's motion to dismiss. ECF No. 41.

This action is referred to United States Magistrate Judge Dwane L. Tinsley for submission of Proposed Findings and Recommendation ("PF&R") for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). On May 6, 2021, the magistrate judge entered his PF&R recommending that the court grant Ames' motion to dismiss, grant Pam Givens, Sandra May and Wexford Health Sources, Inc.'s motion to dismiss to the extent plaintiff claims

monetary damages and to deny otherwise, grant Dr. Charles Lye's motion to dismiss to the extent plaintiff claims monetary damages and to deny otherwise, and to deny plaintiff's motion for temporary restraining order and preliminary injunction.

No party has filed any objection to the PF&R. See 28 U.S.C. § 636(b)(1) (party has fourteen days from service of PF&R to file objections); see also Fed. R. Civ. P. 6(d) (providing an additional three days where service is made by mail).

On June 25, 2021, defendant Donald Ames filed a motion to dismiss plaintiff's claims against him, inasmuch as plaintiff had failed to object in a timely manner. ECF No. 50. Plaintiff filed a response in opposition on July 1, 2021 informing the court that he believed that the PF&R was supportive of his claims. ECF No. 51. Plaintiff further informs the court that he believes Ames is no longer a party to this case and thus his filing is improper. Id. Plaintiff raises no objections to the PF&R in that filing.

The parties having not filed any objection to the PF&R, it is ORDERED that:

1. The PF&R be, and it hereby is, adopted in full;
2. Defendant Donald Ames' motions to dismiss be, and they hereby are, granted;

3. Defendants Pam Givens, Sandra May and Wexford Health Sources, Inc.'s motion to dismiss be, and it hereby is, granted with respect to plaintiff's claims for monetary damages against those defendants and otherwise denied;
4. Defendant Dr. Charles Lye's motion to dismiss be, and it hereby is, granted with respect to plaintiff's claims for monetary damages against that defendant and otherwise denied;
5. Plaintiff's motion for a temporary restraining order and preliminary injunction be, and it hereby is, denied;
6. This matter is referred to Magistrate Judge Tinsley for further proceedings.

The Clerk is directed to forward copies of this memorandum opinion and order to plaintiff, all counsel of record, and the United States Magistrate Judge.

Enter: July 26, 2021



John T. Copenhaver, Jr.
Senior United States District Judge